

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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DOMINIC ALEX YOUNG,)

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Plaintiff,) No. 4:22-CV-00821-JSD

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v.)

)

JESSICA MENDEZ,)

)

Defendant.)

MEMORANDUM AND ORDER

On May 22, 2023, Defendant Jessica Mendez filed a Motion to Compel or for Dismissal from Plaintiff. (“Motion to Compel” ECF No. 21). Defendant claims that pro se Plaintiff Dominic Young did not make his Rule 26(a)(1) disclosures on April 13, 2023, as required by the Court’s February 14, 2023 Case Management Order (ECF No. 20). Defendant’s Motion to Compel included a letter demonstrating her good faith attempt to confer with Plaintiff to resolve this dispute, dated April 21, 2023. (ECF No. 21-2).

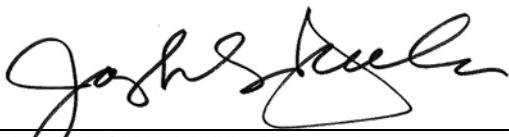
On May 23, 2023, this Court ordered Plaintiff to respond to Defendant’s Motion to Compel by May 30, 2023. (ECF No. 23). Plaintiff did not respond by that date. On June 8, 2023, this Court granted Defendant’s Motion to Compel, ordering Plaintiff to produce initial disclosures by June 22, 2023 and the parties to file a Status Report with this Court by June 26, 2023. (ECF No. 24) Defendant then filed a second Motion to Compel on June 9, 2023. (ECF No. 25) On June 23, 2023, Defendant filed a Status Report informing this Court that: (1) Plaintiff had still not responded to Defendant’s First Motion to Compel related to the filing of Initial Disclosures; (2) Plaintiff had still not filed his Initial Disclosures; (3) Plaintiff had also not responded to Defendant’s second Motion to Compel; and (4) Plaintiff had not answered Defendant’s discovery requests.

Therefore, the Court dismisses Plaintiffs' lawsuit due to lack of prosecution pursuant to Fed. R. Civ. P. 41(b). *See Luney v. SGS Auto. Servs., Inc.*, 432 F.3d 866, 867 (8th Cir. 2005) (Luney's action was dismissed "pursuant to Rule 41(b), an involuntary dismissal, because of Luney's failure to prosecute her claims").

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' lawsuit is **DISMISSED** without prejudice.

An appropriate Order of Dismissal is filed herewith.



JOSEPH S. DUEKER
UNITED STATES DISTRICT JUDGE

Dated this 26th day of June, 2023.